

# JAMES COURI

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July 21, 2011

Judge Paul Wooten  
Supreme Court New York  
60 Centre Street  
New York, NY

Via Fax: 212-374-3282  
and By Hand

Re: Couri v Siebert, Index's 107240/04, 113512/08

Ref: Vacated Note-of-Issue & Omitted Scroll Entries/Improper Trial Readiness

Judge Wooten:

I have just been advised that you have marked Index #107240/04 as supposedly "Trial Ready" with a trial date of 9-8-2011. This is remarkable, yet shocking. As so far as I know, no case in the Unified Court System can be deemed "Trial Ready" without first a bona fide Note of Issue and Certificate of Readiness being, 'sworn-to' by a party, duly served and filed with the Court. These academic requirements have been verified by Trial Support and Motion Support and the Rules of the Court.

**No legitimate Note of Issue has been filed or served in this case.** Judge Stallman Sequence #40 on October 16, 2009 vacated a Note of Issue in this case, illegally filed and forged by Joseph M. Burke Esq. Since that time no other "Note of Issue" of any kind has been filed and served on me. Moreover, Discovery is far from complete in this or related case 113512/08. Siebert stonewalled deposition since 2006 and document production was not made by Burke and Siebert and in fact ignored repeatedly.

I am in California, terminally ill, and on potent medication, and I cannot travel-- facts also well known by the Court. Here are further facts, which make the Court's "Shot Gun" Trial Ready entry another clear and convincing railroading tactic:

1. Burke and Siebert failed and refused in Case 107240/04 to comply with Judge Heitler's March 2006 Discovery Orders. Thereafter they flouted Referee Bernard Fields' Orders, then directed by JSC Heitler, on December 11, 2006 and January 8, 2007. Defendants were "So Ordered" by JSC Heitler in motion Sequence 17 on February 21, 2007 to comply with Referee Fields' Orders. They refused and failed to produce documents and failed and refused to produce Siebert and his office manager, Nelsa Garcia, to deposition. Accordingly, I have not deposed Siebert, Garcia, or received any cogent documents from Siebert. Activities I could have easily performed while I was in New York and before I became gravely ill. I was systematically stonewalled by Burke/Siebert.

2. Burke and Siebert also defrauded the Appellate Division. They failed to disclose the 12-12-05 Injunction, making void the Appellate Decision of February 2008, grounded on a barred motion and uninformed Judicial Decisions. This deception and fraud of Mr. Burke and Siebert robbed me of my rights and complaint in #107240/04. Further, Burke and Siebert engaged in well-documented ex-parte illegal tampering and manipulating of Referees Suter and Lowenstein in violation of the Beeler Injunction and the Law; also crimes. Not to mention Siebert's repeated and systematic perjury and suppression of his sex and other crimes resulting in Siebert's being fired from 5 NYC Medical Institutions. Intentional fraud while under oath at the Referee Crespo Hearings and elsewhere in this case and suborned by lawyer Burke.

3. The Court is also very well aware that I am terminally ill and cannot travel due to cancer treatment, surgeries, congestive heart disease and other disabling physical and mental limitations. The foregoing severe health issues have been verified by at least ten New York and California specialists by duly 'sworn-to' Affirmations and evidence of hospital records produced to this Court. I recently underwent major surgery at UCLA Medical Center. Accordingly, I was awaiting selection of Medical Specialists in California to evaluate my grave medical condition. It seems Siebert/Burke are afraid to confirm for themselves my fragile physical condition, and the motions made by them have been improper.

4. The Court is also aware of case 113512/08 and my yet undecided motion Sequence #003 demanding production of Siebert and documents in **that** case. The Court is also aware of my motion seeking consolidation of the two cases re- recited by me on the 9-1-2010 supposed Status Conference (by telephone). The Court assured this was to occur.

5. The other curious aspects of the foregoing is the fact that neither Trial Support or Motion Support can answer as to how this Court can mark a case "Trial Ready" without a proper Note of Issue and Certificate of Readiness; and how and why the Vacature by Judge Stallman (Sequence 40) of the bogus Note of Issue in October 2009 is not listed on the Court's Scroll Calendar. The Stallman VACATURE Order is in the Court Records as Sequence 40. Thus no Note of Issue exists in these cases and any scheme to 'cram-down' a kangaroo trial is absurd and violates Unified Court Rules.

**IN A NUTSHELL, NEITHER THIS CASE AND RELATED CASE 113512/08 ARE TRIAL READY. SIGNIFICANTLY, NO LEGITIMATE NOTE OF ISSUES OR CERTIFICATE OF READINESS HAVE BEEN FILED BY ANY PARTY IN EITHER CASE. DISCOVERY IS FAR FROM COMPLETE.**

Accordingly, and based on the foregoing, it is demanded that the improper and untimely Trial Ready entry be vacated forthwith. Notwithstanding Note of Issue irregularities, I cannot travel and am terminally ill. **I again urge that this Court recuse itself forthwith from all aspects of these cases for bias, negligence, fraud, and improper conduct.**

Barring immediate resolution by the Court and based on the Court's continued refusal to grant me access to the Motion Part and the Court and compliance with the Beeler 12-12-05 Injunction by a conference call, I will take all other steps to protect my rights from these ambushes.

Finally, no one can seem to find your Decision on motion Sequence 30 that you make reference to in other of your supposed Decisions.

James Couri  
Dictated but not read

cc: Burke, Via Fax  
JSC S.K. Heitler, By Hand